

## REMARKS

Claims 7-11, 13, 14, 16, 18, 20-27 and 31 are pending.

In the aforesaid Office Action, claims 7-11, 13, 14, 16, 18, 20-27 and 31 were rejected under 35 USC § 102(b) as anticipated by, or in the alternative under 35 USC § 103(a) as being unpatentable over, Chen et al. (US 5,554,120). The Examiner states that Chen et al. discloses catheter balloon materials of at least two components, both of which can be PEBAX; component A which is harder than component B, and component B has a Shore durometer hardness of less than 75D to soften the composition and comprises 5-90% of the blend; and that the disclosed polymer blend composition is clearly within the range of the claimed composition, so that the claimed properties are necessarily present in the composition disclosed by Chen et al.

However, Chen et al. does not suggest the specific blend composition claimed by Applicant. Instead, Chen et al. discloses a wide range of blend compositions (i.e., 10-95% of component A and 5-90% of component B), and one preferred range of blend compositions (i.e., 60-77% of component A and 23-40% of component B) which is different from the claimed blend compositions. Additionally, Chen et al. does not disclose or suggest the rupture pressure result of the claimed blend compositions. Chen et al. discloses that balloons made of soft ...materials commonly have high balloon compliance and low burst strength (col. 1, line 65 to col. 2, lines 5). As discussed in Applicants' specification at the 7<sup>th</sup> full paragraph of the Detailed Description, a balloon which embodies features of the invention has sufficient strength to withstand the inflation pressures needed to inflate the balloon despite the relatively large amount of the lower

Shore durometer (softer) material in the blend. Thus, although the claimed polymer blend compositions lie inside ranges disclosed by Chen et al., the claims require the unexpectedly high rupture pressure produced by the specific composition of the claimed polymeric blends, which is not disclosed or suggested by Chen et al. See the Declaration of Jeong S. Lee Under 37 CFR §1.132, one of the coinventors of the above-referenced application, filed in the parent application (USSN 09/451,902, now US Patent No. 6,620,127), copy attached hereto.

Specifically, claim 7 requires that the higher Shore durometer material is not more than about 50% by weight of the blend, and claim 27 requires that it is about 40-50% by weight of the blend, in combination with a rupture pressure similar to that of a balloon formed of 100% of the higher Shore durometer material (e.g., PEBAX 70D). In contrast, Chen provides no direction to a specific blend of about 50% or less the higher Shore durometer material.

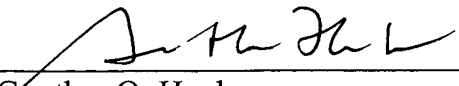
It should be noted that the Examiner failed to indicate on the Office Action Summary, PTOL-326, whether the drawings filed July 3, 2003 were accepted or objected to by the Examiner.

Applicants wish to bring to the attention of the Patent Office the references listed on the attached PTO-1449, and request that they be considered by the Examiner. This Information Disclosure Statement is being submitted pursuant to 37 CFR 1.97(c)(2), and therefore the fee set forth in 1.17(p) is due.

In light of the above amendments and remarks, Applicant respectfully requests reconsideration, and issuance of a timely Notice of Allowance.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By:   
Gunther O. Hanke  
Registration No. 32,989

PMM:GOH:kst  
Howard Hughes Center  
6060 Center Drive, Tenth Floor  
Los Angeles, CA 90045  
Telephone: (310) 824-5555  
Facsimile: (310) 824-9696  
Customer No. 24201  
111172.1

Attachment: Declaration of Jeong S. Lee Under 37 CFR §1.132 (with Exhibits)